

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION**

**TESTAMENTARY SUIT NO. 25 OF 2018**

**IN**

**TESTAMENTARY PETITION NO. 780 OF 2013**

**WITH**

**CAVEAT NO. 40 OF 2018**

**AND**

**CAVEAT NO. 41 OF 2018**

Jangbahadur Singh Darshan Singh Gujral ...Plaintiff

*Versus*

Manmohan Kaur Oberoi and Amarjeet Singh ...Defendants

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**Mr Kunal Bhanage, with Vasim S., i/b H Thacker, for the Plaintiff.  
Mr BG Saraf, for the Defendants.**

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**CORAM: G.S. PATEL, J**

**DATED: 11th July 2018**

**PC:-**

1. The delay in filing the Caveat by Trilochan Kaur Sahni is condoned since there are other Caveats and the Testamentary Petition has already been renumbered as a Testamentary Suit.

2. Mr Saraf for all the Caveators has instructions to seek an adjournment since the counsel engaged is from Delhi. I am making

it clear that I will not today or on any date hereafter accede to any such request, especially not at any stage before final hearing.

3. Since all the Caveats take a common opposition, the Suit is taken up for framing issues.

4. Heard. The issues are framed and these are appended to this order.

5. The Plaintiff shall, on or before 30th July 2018, file (i) the affidavit(s) of the attesting witness(es) (ii) the evidence affidavit of the Plaintiff; (iii) an affidavit of documents; and (iv) a compilation of documents duly indexed and paginated. Copies of each of these will be served on the advocates for the Defendants on or before that date. Discovery and inspection to be completed and statements of admission and denial to be exchanged on or before 10th August 2018.

6. There will be no extension of time. In default of compliance, the suit and petition will stand dismissed without further reference to the Court.

7. On the Plaintiff's complying with these directions, the matter will be taken up for marking of the Plaintiffs' documents and further directions on 14th August 2018, irrespective of the caption under which the matter appears.

**(G. S. PATEL, J.)**

**ISSUES FRAMED ON 11TH JULY 2018**  
**TESTAMENTARY SUIT NO. 25 OF 2018**  
**IN**  
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**WITH**  
**CAVEAT NO. 40 OF 2018**  
**AND**  
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1. Whether the Plaintiff proves that the writing dated 17th January 1988 was duly and validly executed and attested in accordance with law as the last Will and Testament of the deceased, Darshan Singh Dogar Singh Gujral?
2. Whether the Plaintiff proves that at the time of the said alleged Will, the deceased was of sound and disposing state of mind, memory and understanding?
3. Whether the Defendants prove that the alleged Will is fabricated and got up?
4. Whether the Defendant proves that the signature of the deceased on the alleged Will is forged?
5. Whether the Defendants prove that the alleged Will is invalid because it is unnatural?
6. What reliefs and what orders?

**(G. S. PATEL, J)**